

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
) Bankruptcy Case
HILLINA M. BELAY) No. 22-10227-KHK
) Chapter 7
Debtor.)

TRUSTEE’S OBJECTIONS TO EXEMPTIONS

COMES NOW, H. Jason Gold, chapter 7 trustee, by undersigned counsel, and objects to the claimed exemptions of Hillina M. Belay ("Debtor"), stating to the Court as follows:

1. On March 1, 2022, the Debtor filed a voluntary petition under chapter 7 of the United States Bankruptcy Code.

2. H. Jason Gold has been appointed as chapter 7 trustee ("Trustee").

3. The Trustee conducted the first meeting of creditors on April 6, 2022.

4. Property of the estate includes the Debtor's interest in the real property with the street address of 23427 Farfalla Lane, Richmond, Texas 77406 ("Property"). The Debtor has listed the Property on Schedule A as being co-owned with Mohamed Albataineh. The Debtor has also claimed an exemption in the Property in the amount of \$25,150.00 pursuant to 11 U.S.C. § 522(d)(1).

5. Section 522(d)(1) of the Bankruptcy Code allows an exemption for “[t]he debtor’s aggregate interest, not to exceed \$25,150.00 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence ...[.]” 11 U.S.C. § 522(d)(1).

6. The Trustee objects to the Debtor’s exemption in the Property because she does not use it as a residence. Indeed, the Debtor lists an address in Alexandria, Virginia on her

petition. Further, while the Debtor lists a dependent daughter on Schedule J, this schedule reveals that this dependent lives with her.¹ It is clear from the filings in this case that neither the Debtor nor her dependent resides at the Property and the claimed exemption does not apply. Accordingly, the Trustee objects to the Debtor's claimed exemption in the Property.

WHEREFORE, H. Jason Gold, Trustee, having objected to the claimed exemptions of the Debtor, requests that this Court enter an order: (i) sustaining the Trustee's objections stated herein and denying the Debtor's claimed exemption in the Property and (ii) for such other and further relief as may be necessary.

Respectfully submitted,

H. JASON GOLD, TRUSTEE

By Counsel

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Counsel to the Chapter 7 Trustee

¹ The Debtor also lists Virginia as state where she lives and a household of two for purposes of Official Form 122A-1.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April 2022, the foregoing was served via first class mail, postage prepaid, to:

Office of the United States Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314

Richard Owen Bolger
Bolger Law Firm, PLLC
10347 Democracy Lane
Fairfax, VA 22030

/s/ Dylan G. Trache
Dylan G. Trache